

REMARKS

In the Final Office Action mailed November 16, 2006, the Examiner rejected claims 1-7, 9, 12-23, 31, 32, 34, 35, and 37-41 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,385,620 to Kurzius et al. ("Kurzius"), in view of U.S. Patent No. 6,798,413 to Tracey et al. ("Tracey"), and rejected claims 10, 11, 25, 26, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius, in view of U.S. Patent No. 6,266,659 to Nadkarni ("Nadkarni"), in further view of Tracey.

By this Reply, Applicant has amended claims 1, 9-12, 17-21, and 37. No new matter has been added. Claims 1-7, 9-23, 25, 26, 28, 29, 31, 32, 34, 35, and 37-41 are currently pending on the merits. Based on the amendment and the following remarks, Applicant respectfully traverses the Examiner's claim rejections.

**A. Rejection of Claims 1-7, 9, 12-23, 31, 32, 34, 35, and 37-41 Under
35 U.S.C. § 103**

The Examiner rejected claims 1-7, 9, 12-23, 31, 32, 34, 35, and 37-41 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius, in view of Tracey. To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Id. Third, a reasonable expectation of success must exist. Id. Each of these requirements must "be found in the prior art, not in Applicant's disclosure." Id.

Moreover, the references “must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention.” Id.

Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to claim 1 at least because Kurzius and Tracey, taken alone or in any proper combination, fail to teach or suggest every claim element recited in amended independent claim 1. Amended independent claim 1 recites, among other things, “providing an order history of [an] order request, wherein the order history includes information on any action taken on the order request and text based on electronic mail associated with such action.”

The Examiner asserted that Kurzius “discloses that a variety of notification, processing, and further recruiting functions initiated in response to interest or feedback including electronic mail (column 14, lines 28-32).” Office Action at 17. The Examiner further asserted that Tracey “discloses managers [being] able to graphically determine who is responsible for a project at any stage and [a] system displaying status information derived from a database and updated as work is performed (column 3, lines 1-6).” Id. The Examiner, then, asserted that “the combination of Kurzius et al. and Tracey et al. indeed disclose providing, for at least one processing stage, text based on an electronic mail associated with the order request.” Id.

Applicant respectfully submits that even if, for the sake of an argument, the Examiner’s assertion were true, the combination fails to teach or suggest “providing an order history of [an] order request, wherein the order history includes information on action taken on the order request and text based on electronic mail associated with such action.” Kurzius discloses that a variety of notification can be sent to a candidate

in form of an electronic mail. Kurzius, col. 14, lines 28-32. However, Kurzius teaches neither providing an order history nor that an order history includes information on any action taken on the order and text based on electronic mail associated with such action.

Tracey discloses a system configured to transfer work throughout individuals in an organization and displaying status information derived from a database. Tracey, col. 3, lines 1-6. Tracey further discloses various database tables including a history table. See e.g. Tracey, FIG. 2. The history table, shown in FIG. 2, however, fails to include text based on electronic mail associated with action taken because Tracey fails to disclose any use of electronic mail in its system.

Therefore, any proper combination of Kurzius, which discloses use of electronic mail for the notification purpose, and Tracey, which does not disclose any use of electronic mail, would not teach use of electronic mail for non-notification purposes, such as including text based on electronic mail in an order history, as recited in independent claim 1.

Furthermore, amended independent claim 1 recites, among others, "providing information on efficiency of [a] supplier in fulfilling [an] order request." Kurzius fails to disclose providing any information related to a recruiter. The Examiner asserted that Kurzius "discloses displaying at least one of an order request associated with the supplier (i.e., recruiter version of the job posting review template 126, column 7, lines 38-47)." Office Action at 12. This recruiter version of the job posting review template, however, "shows additional information known *about an employer*." Kurzius, col. 7, lines 38-40. (emphasis added). Kurzius further discloses that the template "may also contain a link to a more general employer record having specific *information about*

the employer generally.” Kurzius, col. 7, lines 45-47. (emphasis added). Nowhere does Kurzius disclose providing any information related to a recruiter, and therefore, Kurzius cannot teach providing information on efficiency of a supplier in fulfilling an order request.

Tracey fails to cure this deficiency of Kurzius. Tracey discloses a workflow management system and more specifically a debt collector system. Therefore, Tracey fails to disclose providing information on efficiency of a supplier in fulfilling an order request.

For at least the reasons set forth above, Kurzius and Tracey, taken alone or in any proper combination, fail to teach or suggest every claim element recited in amended independent claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 and allow the claim.

Amended independent claims 9, 12, 17, 18, 20, and 37 recite features similar to the features recited in amended independent claim 1. For example, claims 9, 12, 17, 18, 20, and 37 recite, among others, “providing an order history of [an] order request . . . ,” and claims 9, 18, 20, and 37 further recite, among others, “providing information on efficiency of [a] supplier in fulfilling [an] order request.” For at least reasons similar to the reasons set forth with respect to claim 1, Kurzius and Tracey, taken alone or in combination, fail to support the § 103 rejection of claims 9, 12, 17, 18, 20, and 37. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 9, 12, 17, 18, 20, and 37 and allow the claims.

Claims 2-7, 21, and 38-41 depend from independent claim 1; claims 22 and 23 depend from independent claim 9; claims 13-16, 31, and 32 depend from independent

claim 12; claims 34 and 35 depend from independent claim 17; and claim 19 depends from independent claim 18. Therefore, the cited references also fail to support the rejection of claims 2-7, 13-16, 19, 21-23, 31, 32, 34, 35, and 38-41. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-7, 13-16, 19, 21-23, 31, 32, 34, 35, and 38-41 and allow the claims.

B. Nonfunctional Descriptive Material

Furthermore, in rejecting independent claim 20 and dependent claim 7, the Examiner asserted that “generating a display screen including a list of order requests associated with a particular user is considered non-functional descriptive material,” and the “descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.” Office Action at 18. Applicant respectfully disagrees.

M.P.E.P. § 2106 defines “nonfunctional descriptive material” as “[c]ertain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, *without any* functional interrelationship.” (emphasis added). Thus, the requirement for functional descriptive material is very minimal and can be satisfied by showing of any functional interrelationship. Further, *In re Gulack*, the Federal Circuit held that the printed matter was entitled to patentable weight because it was a necessary component of the invention, and reversed the rejection to a claim. 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983). Also, *In re Lowry*, the Federal Circuit reversed a printed matter rejection to a claim because the PTO erred in finding the data structure to be “printed matter” where the matter defined functional characteristics of the computer memory. 32 F.3d 1579, 1583, 32 USPQ2d 1031 (Fed. Cir. 1994). Applicant finds no authority for the Examiner's

requirement that printed matter or descriptive matter alter recited structural elements to be considered as functional descriptive material.

Applicant respectfully submits that “generating a display screen including a list of order requests associated with a particular user” is functionally related to ordering workers for a client, and therefore a component of the invention as recited in claims 7 and 20. Each order request in the generated display screen is associated with corresponding status display component, and thus allows the particular user to efficiently monitors each order request. For at least this reason, “generating a display screen including a list of order requests associated with a particular user” is functional descriptive material, and can distinguish the invention as recited in claims 7 and 20 from Kurzius.

Kurzius allegedly discloses that “employer database and job posting database are updated to reflect the addition of a new job posting.” Office Action at 18. However, updating databases to reflect a new job posting is not same as “generating a display screen including a list of order requests associated with a particular user.” For this additional reason, Kurzius and Tracey, taken alone or in combination, fail to support the rejection of claims 7 and 20. Accordingly, Applicant respectfully further requests that the Examiner withdraw the rejection of claims 7 and 20, and allow the claims.

C. Rejection of Claims 10, 11, 25, 26, 28, and 29 under 35 U.S.C. § 103

The Examiner rejected claims 10, 11, 25, 26, 28, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Kurzius, in view of Nadkarni, in further view of Tracey. Applicant respectfully submits that no *prima facie* case of obviousness exists with respect to claims 10 and 11 at least because Kurzius, Tracey, and Nadkarni,

- taken alone or in any proper combination, fail to teach or suggest every claim element recited in amended independent claims 10 and 11.

Amended independent claims 10 and 11 recite features that are similar to the features recited in claim 1. For at least reasons similar to the reasons set forth with respect to claim 1, Kurzius and Tracey, taken alone or in any proper combination, fail to teach every claim element recited in claims 10 and 11. Moreover, Nadkarni fails to cure the deficiencies of Kurzius and Tracey, taken alone or in combination. Nadkarni discloses a computer-based on-line skills/resume management system. See e.g., Nadkarni, Abstract.

The Examiner asserted that Nadkarni “discloses the employer search restricted to select groups of vendors, based on preferred qualifications (column 5, lines 56-60), wherein information about candidates associated with the vendor are stored in a database in step 307 (column 6, lines 60-66).” Office Action at 14. Applicant submits that Nadkarni does not disclose “determining, from a set of suppliers, a select group of suppliers capable of satisfying an order request based on stored information associated with the set of suppliers, the stored information including at least an identification of types of workers associated with each supplier; . . . receiving at least one candidate submission from the notified select group of suppliers, including information identifying a suggested worker intended to satisfy the order request; [and] notifying a client associated with the order request of the candidate submission.” Nadkarni simply deals with searching for qualified candidates and does not address vendor or supplier selection in combination with candidate submission from the selected supplier/vendor. Even if, for the sake of an argument, the Examiner’s assertion were true, Nadkarni fails

to cure the deficiencies of Kurzius and Tracey that are set forth with respect to claim 1.

Therefore, Kurzius, Tracey, and Nadkarni, taken alone or in any proper combination, fail to support the § 103 rejection of claims 10 and 11.

Because claims 25 and 26 depend from claim 10, and claims 28 and 29 depend from claim 11, the cited references also fail to support the rejection of claims 25, 26, 28, and 29. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 10, 11, 25, 26, 28, and 29, and allow the claims.

D. Conclusion

In view of the foregoing amendment and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Reply and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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